

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHAVEZ HOLDEN,

Plaintiff,

v.

JOHN E. WETZEL, et al.,

Defendants.

Case No. 1:18-cv-237-SPB

MEMORANDUM ORDER

On August 25, 2022, this Court entered a “show cause” order in the instant case observing that Plaintiff never provided a settlement demand to the attorney representing Inmate Telephone Coordinator J. Hutchins-Oswalt, as the Court had previously directed him to do. The Court noted that counsel for the DOC Defendants has similarly indicated her willingness to consider mediation in lieu of litigating Rule 56 motions. Because Plaintiff had failed to comply with the Court’s prior directive to mail his settlement demand to Defendant Hutchins-Oswalt’s attorney, and because Plaintiff had not meaningfully participated in this case for several months and had failed to provide his current address to the Clerk of Court, the undersigned directed Plaintiff to show cause, by September 16, 2022, why this civil action should not be dismissed based upon his failure to prosecute his case.

Since that time, the Clerk of Court has received an updated address from Plaintiff, which was entered on the docket on September 7, 2022. *See* ECF No. 125. In his notice to the Clerk, Plaintiff represents that he previously sent notice of his new address to the Court but, for reasons unknown, the Court did not receive the notice.

In light of these developments, the following Order is entered:

NOW, this 9th day of September, 2022, IT IS ORDERED that the undersigned's prior "show cause" deadline of September 16, 2022 is VACATED. Instead, Plaintiff is directed to mail his settlement demands to counsel for Defendant Hutchins-Oswalt, and counsel for the DOC Defendants, on or before September 23, 2022. In the alternative, if Plaintiff no longer wishes to prosecute this action, he should notify the Court, in writing, by the aforementioned deadline. Plaintiff is further directed to provide the Clerk of Court, on or before September 23, 2022, a valid phone number through which he can be contacted for purposes of scheduling matters and conducting telephonic conferences with the Court. **Plaintiff is advised that his failure to comply with the terms of this Order may result in the dismissal of this civil action.**

IT IS FURTHER ORDERED that, upon receipt of Plaintiff's settlement demands, counsel for Defendant Hutchins-Oswalt and counsel for the DOC Defendants shall promptly file a notice with the Court indicating whether they believe mediation would be beneficial or whether they intend instead to file Rule 56 motions.



Susan Paradise Baxter
United States District Judge

cc: SHAVEZ HOLDEN
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Counsel of record
(by CM/ECF)